

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the State and Parish aforementioned, personally came and appeared:

DANIEL A. TADROS

who, being by me duly sworn, did depose and state as follows:

1. I am an attorney qualified to practice law before all the Courts of the State of Louisiana, including the federal courts for the Eastern, Middle and Western Districts of Louisiana, and the United States Fifth Circuit Court of Appeal, since 1992.
2. I am a member of Chaffe McCall, L.L.P. and was counsel of record for Stelios Coutosodontis ("Coutosodontis") in an action commenced before the United States District Court for the Eastern District of Louisiana against M/V ATHENA, her engines, tackle, equipment, appurtenances, etc., *in rem*, and Anna Peters, George Peters and Sea Trade Maritime Corp., *in personam* ("the Litigation").
3. The Litigation was commenced on August 27, 2008 through the filing of a Verified Complaint. *See Verified Complaint attached hereto as Exhibit A.*
4. An Order Authorizing Issuance of a Warrant of Arrest of the M/V ATHENA was issued on August 27, 2008 by the Honorable Judge Mary Vial Lemmon. *See Order Authorizing Issuance of a Warrant of Arrest, attached hereto as Exhibit B.*

5. An Order Allowing the Vessel to Shift Within the Jurisdiction was also issued on August 27, 2008 pursuant to motion of Coutsodontis. *See Order Allowing Vessel to Shift Within the Jurisdiction attached hereto as Exhibit C.*
6. The Order Authorizing Issuance of a Warrant of Arrest and the Order Allowing Vessel to Shift Within the Jurisdiction were served by the U.S. Marshal on the Master of the M/V ATHENA on August 28, 2008. *See Return of Service attached hereto as Exhibit D.*
7. Coutsodontis' claim against the M/V ATHENA was based on Rules B and D of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. Specifically, Coutsodontis, as a 50% owner of the M/V ATHENA, asserted that he was wrongfully denied possession and control of the ATHENA by Anna and George Peters ("Defendants") who purposefully refused to provide Coutsodontis with information as to the vessel's whereabouts and its voyages. Defendants also refused to deliver to Coutsodontis his rightful share of the profits generated by the vessel over a period of five years. Based upon a reasonable belief that Rule D provided a remedy for the above described claims relating to "possession, partition and try[ing] of title," Coutsodontis caused the arrest of the M/V ATHENA.
8. Between August 28, 2008 and September 9, 2008, good faith efforts were made to negotiate issuance of security covering Coutsodontis' claim and allowing release of the vessel. Defendants, Anna Peters, George Peters and Sea Trade Maritime Corp., failed to issue security and, on September 9, 2008, the Defendants filed a motion to vacate the arrest. Oral argument on the motion was held on September 10, 2008 at which time Judge Lemmon took the matter under advisement.
9. By Order dated September 12, 2008, Judge Lemmon vacated the arrest. *See Order attached hereto as Exhibit E.*
10. On September 16, 2008, Judge Lemmon issued reasons supporting her prior order to vacate the arrest. *See Reasons for Vacating Order attached hereto as Exhibit F.* The main reason for the

vacating of the arrest was Judge Lemmon's finding that the dispute did not fall within the admiralty jurisdiction of the court. In reaching her decision, Judge Lemmon did not address the merits of the Coutsodontis claim, nor did she find that the arrest was wrongful. *See Exhibit F.*

11. On August 29, 2008, Hellenic Mutual War Risks Association (Bermuda) Limited ("Hellenic") filed its Verified Complaint against Sea Trade Maritime Corporation and caused the attachment of the M/V ATHENA pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. *See footnote 1 of Exhibit F.*

12. On September 12, 2008, the same day that Judge Lemmon issued her Order vacating the Coutsodontis arrest, a release bond was filed into the record securing the claim of Hellenic and causing the lifting of Hellenic's attachment of the vessel. *See Ship Release Bond attached hereto as Exhibit G.*

13. All the facts set forth above are true to the best of my knowledge.



DANIEL A. TADROS

Sworn to and Subscribed
before me, this 13th day of
November, 2014.



NOTARY PUBLIC

HARRY R. HOLLADAY
NOTARY PUBLIC
STATE OF LOUISIANA
NOTARY ID # 25554
COMMISSION EXPIRES AT DEATH